

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:
City of Detroit, Michigan,
Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

Order Regarding Motions *In Limine* and *Daubert* Motions

The Court received 18 motions *in limine* and *Daubert* motions. The Court has reviewed the motions and the responses to the motions, and concludes that they should be addressed as follows:

1. **On September 2, 2014, after the final pretrial conference and before the commencement of the hearing on plan confirmation**, the following motions will be heard (together with the already scheduled motions regarding the testimony of Kenneth Buckfire, Dkt. ##6787 and 6826):

Dkt. #6978 - Syncora's Motion *in Limine* to Preclude Debtor from Offering Evidence Relating to (A) the Recoveries of Classes 10 and 11 Independent of the Funds from the DIA Funding Parties and the State and (B) the Topics Identified in Syncora's Subpoenas to the Foundations

Dkt. #6979 - Syncora's Motion *in Limine* Barring the City from Introducing Communications Protected by the Court's Mediation Order

Dkt. #6982 - Syncora's Motion *in Limine* Barring the City and Plan Supporters from Introducing Evidence Regarding the Potential Personal Hardship of Pensioners

Dkt. #6985 - FGIC's Motion *in Limine* to Preclude the Introduction of Evidence or Testimony Regarding Matters Withheld from Discovery on the Basis of the Mediation Order

Dkt. #6990 – FGIC's Motion *in Limine* to Preclude the Introduction of Evidence or Testimony Regarding Certain Matters Previously Deemed Irrelevant

Dkt. #7001 - The City's Motion *in Limine* to Preclude Its Counsel, Evan Miller, from Being Called as a Trial Witness

2. The City filed a Motion *In Limine* to Preclude its Counsel, Heather Lennox, from Being Called as a Trial Witness. (Dkt. #7002) A hearing on that motion will be held when Wanda Jan Hill seeks to call Ms. Lennox to testify.

3. The following *Daubert* motions will be heard and decided when the relevant expert testimony or opinion is offered into evidence:

Dkt. #6983 – FGIC’s Motion to Exclude the Expert Opinion of Michael Plummer Regarding Discount Factors

Dkt. #6997 - Syncora’s Motion to Exclude the Testimony of John W. Hill

Dkt. #7000 - The City’s Motion to Exclude Testimony of Victor Wiener

Dkt. #7004 - Syncora’s Motion to Exclude the Testimony of the City’s Forecasting Experts

4. **On September 15, 2014 at 1:30 p.m.**, during a pause in the confirmation hearing, the Court will hear argument on the admissibility of the reports of the Court’s expert, Martha Kopacz, along with the following *Daubert* motions relating to her testimony:

Dkt. #6993 - Oakland County’s Motion to Exclude Testimony of Martha Kopacz

Dkt. #6994 - Oakland County’s Amended Motion to Exclude Testimony of Martha Kopacz

Dkt. #6999 - Syncora’s Motion to Exclude Certain of the Expert Opinions of Martha Kopacz

Dkt. #7003 - FGIC’s Concurrence in Dkt. #6999

Dkt. #7061 - The Detroit Retirement Systems’ Motion to Exclude Portions of Martha Kopacz’s Testimony

Ms. Kopacz is requested to be available to testify at this hearing.

5. The Detroit Retirement Systems filed a Motion *In Limine* to Preclude Evidence Relating to Alleged Historical Mismanagement/Misconduct. (Dkt. #7062) The Court concludes that no hearing is necessary to resolve this motion. It is denied without prejudice to the movants’ right to object to the challenged evidence at the time it is proffered during the confirmation hearing.

| It is so ordered.

Signed on August 28, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge